STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	
THOMAS GIST,	
Complainant,) and) CITY OF CHICAGO, BOARD OF EDUCATION,)) Respondent.	CHARGE NO(S): 2007CF3797 EEOC NO(S): 21BA80457 ALS NO(S): 08-0401
NOTI	<u>CE</u>
You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, oursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.	
STATE OF ILLINOIS) HUMAN RIGHTS COMMISSION)	Entered this 16 th day of June 2011
	N. KEITH CHAMBERS

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)
THOMAS GIST,)
Complainant,) CHARGE NO. 2007CF3797) ALS NO. 08-0401) EEOC No. 21BA80457
AND) LEGG NO. 21BA00437
CITY OF CHICAGO, BOARD OF EDUCATION,	
Respondent.)

RECOMMENDED ORDER AND DECISION

This matter is before me on Respondent, City of Chicago, Board of Education's
Motion to Dismiss. As of the date of this Recommended Order and Decision, Complainant,
Thomas Gist, has not filed a response to that motion. For the reasons set forth below, it is
recommended that Respondent's motion be GRANTED.

FINDINGS OF FACT

- On August 29, 2008, Complainant, Thomas Gist, filed a Complaint of Civil Rights
 Violation with the Illinois Human Rights Commission.
- On October 27, 2008, Respondent, City of Chicago, filed a Motion to Dismiss for Lack of Jurisdiction.
- 3. On November 18, 2008, the parties appeared for a status hearing. Respondent was represented by counsel and Complainant appeared pro se. On that date, Complainant was ordered to file a response to Respondent's motion to dismiss by January 9, 2009. The matter was again scheduled for status on February 4, 2009 at 10:00 a.m.

- 4. On February 4, 2009, both parties appeared for status. On that date, Complainant was granted an extension to April 8, 2009 to file a response to Respondent's motion to dismiss. The matter was again scheduled for status on May 6, 2009 at 10:00 a.m.
- Complainant failed to file a response to Respondent's motion to dismiss on or before April 8, 2009.
- 6. On May 6, 2009, Respondent appeared for status and Complainant failed to appear.
- As of the date of this Recommended Order and Decision, Complainant has failed to file a response to Respondent's motion to dismiss.

CONCLUSIONS OF LAW

- Complainant's failure to appear at the May 6, 2009 status hearing and failure to file a
 response to Respondent's motion to dismiss have unreasonably delayed the
 proceedings in this matter.
- In light of Complainant's apparent abandonment of his claim, this matter should be dismissed with prejudice.

DISCUSSION

Complainant, Thomas Gist, has taken absolutely no action to prosecute this matter since 2009. Although ordered to provide a response to Respondent's motion to dismiss, and despite being granted a fairly lengthy extension to do so, Complainant has failed to file a response with the Commission. Complainant, without explanation, also failed to appear at the May 6, 2009 status hearing. For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result of his abandonment of his claim before the Commission, it is most appropriate to recommend dismissal of his *Complaint of Civil Rights Violation* with prejudice. *Leonard and Solid Matter, Inc.*, IHRC, ALS No. 4942, August 25, 1992.

RECOMMENDATION

Based on the foregoing, it appears that Complainant has abandoned his claim before the Commission. Accordingly, it is recommended that the *Complaint of Civil Rights Violation*, ALS No. 08-0401, and the underlying charge, No. 2007CF3797, be dismissed with prejudice.

DATE: SEPTEMBER 21st, 2010

HUMAN RIGHTS COMMISSION

MARIETTE LINDT
ADMINISTRATIVE LAW JUDGE
HUMAN RIGHTS COMMISSION